

CHAPTER Env-Sw 1900 SOLID WASTE MANAGEMENT DISTRICTS

Statutory Authority: RSA 149-M:7

PART Env-Sw 1901 APPLICABILITY

Env-Sw 1901.01 Applicability. The rules in this chapter shall apply to all municipalities addressing the management of solid waste as required by RSA 149-M:23-25.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05
(formerly Env-Wm 3601.01)

PART Env-Sw 1902 DISTRICT AND SUBDISTRICT AGREEMENTS

Env-Sw 1902.01 Filing. Pursuant to RSA 149-M:24, III, solid waste management districts shall file a copy of their written organizational agreement with the department upon execution.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05
(formerly Env-Wm 3602.01)

PART Env-Sw 1903 DISTRICT AND SUBDISTRICT SOLID WASTE MANAGEMENT PLANS

Env-Sw 1903.01 District Plan Submittals.

(a) Within 120 days from the date of district formation, a district shall submit to the department for review and approval pursuant to Env-Sw 1904, a solid waste management plan which is endorsed by the district membership.

(b) A copy of the district's minutes approving the submission of the proposed district plan shall constitute evidence that the plan is endorsed by the district members.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05
(formerly Env-Wm 3603.01)

Env-Sw 1903.02 District Plan Requirements.

(a) The district plan shall complement the state solid waste plan for the purposes of implementation.

(b) The district plan shall conform to the requirements of RSA 149-M:25 and the requirements in Env-Sw 1903.03 through Env-Sw 1903.06.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05
(formerly Env-Wm 3603.02)

Env-Sw 1903.03 Geographics and Economics. The district plan shall include a description of the geographic and economic relationships between the municipalities belonging to the district, including:

(a) A list of municipalities belonging to the district;

(b) A regional map showing:

- (1) The location of the municipalities belonging to the district;
- (2) Existing road networks; and
- (3) Natural geographic features;

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(c) Current and projected 5, 10, and 15-year populations and estimated tourist populations within the member municipalities and for the district;

(d) Identification of commercial and industrial activity that affects the population; and

(e) The current municipal solid waste budget for each member municipality and financial reserves accumulated by each municipality for future solid waste expenditures.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05
(formerly Env-Wm 3603.03)

Env-Sw 1903.04 Current and Projected Waste Streams.

(a) A district plan shall include a description and analysis of the current and projected 5, 10, and 15-year waste streams generated by the member municipalities as to the type, volume and weight.

(b) The description and analysis shall include, for each member municipality, the quantity of:

- (1) Residential waste generated;
- (2) Commercial and industrial waste generated;
- (3) Potential recyclable material, identified by type;
- (4) Waste actually being recycled;
- (5) Motor vehicle waste, including used oil, wet-cell batteries and tires generated;
- (6) Yard waste generated;
- (7) Construction and demolition debris generated;
- (8) Incinerator bottom ash and fly ash generated;
- (9) Bulky wastes including metals generated;
- (10) Stumps and brush generated;
- (11) Household hazardous waste generated;
- (12) Infectious waste generated; and
- (13) Other wastes generated, particular to the district.

(c) The description and analysis shall include the total quantity of waste generated by each member municipality and the district.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05
(formerly Env-Wm 3603.04)

Env-Sw 1903.05 Existing Waste Disposal Facilities and Programs. A district plan shall include an analysis of the existing waste management facilities and practices active within the district, including:

(a) A list and description of facilities located in the district, including the following information for each facility:

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- (1) Facility type;
 - (2) Facility location;
 - (3) Facility owner;
 - (4) Facility operator;
 - (5) Description of operations;
 - (6) Estimated facility life expectancy and remaining capacity;
 - (7) Types and amounts, by weight and volume, of waste handled annually;
 - (8) Facility users;
 - (9) Permit and compliance status of the facility; and
 - (10) All contractual arrangements by member municipalities for facility use;
- (b) A description of existing recycling programs, including:
- (1) Materials recycled;
 - (2) Method of collection, sorting, and processing; and
 - (3) Markets;
- (c) An analysis of the network currently available for transporting solid waste within the district and subdistricts, including:
- (1) The waste pickup system;
 - (2) The delivery system; and
 - (3) Destinations; and
- (d) A description of arrangements for managing district generated waste at facilities outside the district, including:
- (1) Inter-municipal and contractual arrangements;
 - (2) Types and quantities of waste so managed; and
 - (3) Management locations.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05
(formerly Env-Wm 3603.05)

Env-Sw 1903.06 Future Capacity. A district plan shall identify a 10-year capacity for managing waste at existing, expanded, or proposed facilities and provisions for an ongoing planning process of 15 years from the date of plan submittal, including:

- (a) Identification and description of planned recycling and waste reduction programs, including:
 - (1) Types of materials to be collected and the methods of collection;

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- (2) The facilities for and methods of receiving, storing and processing materials;
 - (3) The markets for use of recycled materials;
 - (4) The economic ramifications to the district and member municipalities from the proposed collection, processing and marketing of recycled waste; and
 - (5) The implementation of programs, including:
 - a. Project coordination;
 - b. Activities to educate the public about recycling and waste reduction programs;
 - c. Local ordinance provisions to implement the programs;
 - d. Provisions for curb-side collection; and
 - e. The construction of material recovery facilities;
- (b) Identification and description of the management options to be evaluated or implemented for non-recyclable solid waste addressing the following factors:
- (1) Environmental issues;
 - (2) Economic and financial issues;
 - (3) Capacity planning and assured services;
 - (4) Technical requirements;
 - (5) Land and siting requirements;
 - (6) Traffic and transportation issues;
 - (7) Regulatory requirements;
 - (8) Implementation requirements; and
 - (9) Consistency with the solid waste management hierarchy in RSA 149-M:3; and
- (c) Identification and description of the management methods to be evaluated and the implementation requirements for select wastes, including:
- (1) Composting of organic material;
 - (2) Tires;
 - (3) Bulky metal wastes;
 - (4) Construction and demolition debris;
 - (5) Stumps and brush;
 - (6) Household hazardous waste;
 - (7) Infectious waste;

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- (8) Waste oil;
- (9) Wet cell batteries;
- (10) Incinerator ash; and
- (11) Other wastes particular to the district.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05
(formerly Env-Wm 3603.06)

Env-Sw 1903.07 Implementation. A district plan shall include a description of how the plan will be implemented including, but not limited to:

- (a) The financial means and organizational structure;
- (b) A schedule of implementation including specific milestones for short and long term activities; and
- (c) A funding mechanism for implementation.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05
(formerly Env-Wm 3603.07)

PART Env-Sw 1904 DISTRICT AND SUBDISTRICT PLAN REVIEW AND APPROVAL

Env-Sw 1904.01 District and Subdistrict Plan Review.

(a) The department shall review each district plan and provide written notice to the district in accordance with RSA 149-M:25, II.

(b) If a hearing is requested pursuant to RSA 149-M:25, II, the hearing shall be conducted pursuant to the provisions of Env-C 200 applicable to non-adjudicative hearings.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05
(formerly Env-Wm 3604.01)

Env-Sw 1904.02 Approval Process.

(a) The department shall approve a district plan provided that:

- (1) The member municipalities have endorsed the plan;
- (2) The plan affirmatively addresses the criteria in RSA 149-M:25 and each of the requirements in Env-Sw 1903.02 through Env-Sw 1903.07; and
- (3) The plan is consistent with achieving the solid waste reduction goal in RSA 149-M:2 and the disposal hierarchy in RSA 149-M:3.

(b) If a district plan does not meet the conditions for approval, the department shall provide a rejection notice pursuant to Env-Sw 1904.03 and require modifications of those portions of the plan that are deficient according to (a) above.

(c) Districts shall respond to the department's request for modifications and changes within 75 days of receipt of the written notification provided pursuant to Env-Sw 1904.03.

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(d) As required by RSA 149-M:25, II, the department shall take final action on a plan within 120 days of submission.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05 (formerly Env-Wm 3604.02)

Env-Sw 1904.03 Notification.

(a) Each municipality in a district shall be notified by the department in writing as to a decision to approve or reject a proposed district plan.

(b) If the department rejects the plan, the notification shall specify the specific reason(s) for the rejection.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05 (formerly Env-Wm 3604.03)

Env-Sw 1904.04 Implementing, Changing and Updating a Plan.

(a) Pursuant to RSA 149-M:25, II, a district shall begin implementing its plan within 60 days after receipt of written notice approval by the department.

(b) In order to demonstrate continuous compliance with an approved plan as required by RSA 149-M:25, III and to assure facility permits are issued by the department in conformity with a district plan as required by RSA 149-M:11, a district shall submit any changes to the district plan in writing, to the department 30 days prior to such changes.

(c) Review and approval of the changes shall proceed in accordance with Env-Sw 1904.02 and Env-Sw 1904.03.

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05 (formerly Env-Wm 3604.04)

Env-Sw 1904.05 District Plan Approval Duration. The approval of a district plan shall be continuous subject to the provisions of Env-Sw 1904.04(b) and RSA 149-M:25, I(e).

Source. #6619-B, eff 10-29-97; ss by #8459, eff 10-28-05 (formerly Env-Wm 3604.05)

Appendix

Rule Sections	Statute(s) Being Implemented
Env-Sw 1900	RSA 149-M:6, VIII; RSA 149-M:7, I; RSA 149-M:24